

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
Southern (Greenbelt) Division**

MOHAMMED A. SALL
3609 Mahnaz Court
Upper Marlboro, Maryland 20174

Plaintiff

v.

JOSEPH V. BUONASSISSI, II, RICHARD E.
HENNING, JR., RICHARD A. LASH, KEITH M.
YACKO, BRIAN S. MCNAIR, JAMES J.
INABINETT, JR., DAVID A. ROSEN, collectively
The SUBSTITUTE TRUSTEES
1861 Wiehle Avenue, Suite 300
Reston, Virginia 20190

Civil Action No. _____

WELLS FARGO & COMPANY, WELLS FARGO
BANK, N.A., WELLS FARGO HOME MORTGAGE
Corporate Offices
420 Montgomery Street
San Francisco, California 94104

WELLS FARGO HOME MORTGAGE
P.O. Box 10335
Des Moines, Iowa 50306-0335

FREMONT INVESTMENT & LOAN
2727 East Imperial Highway
Brea, California 92821

AMERICA'S SERVICING COMPANY
P.O. Box 10833
Des Moines, Iowa 50306

DEUTSCHE BANK NATIONAL TRUST COMPANY
300 S. Grand Avenue – 41st Floor
Los Angeles, California 90071 *

Defendants

* * * * *

NOTICE OF REMOVAL

Defendants, Wells Fargo Bank, N.A. (“Wells Fargo”) also doing business as “Wells Fargo Home Mortgage” and its division “America’s Servicing Company” (“ASC”), Wells Fargo & Company and Deutsche Bank National Trust Company, as Trustee for Freemont Home Loan Trust 2006-3, by their undersigned attorneys, hereby file this Notice of Removal, and pursuant to 28 U.S.C. §§1441 & 1446, they hereby remove this civil action from the Circuit Court of Maryland for Prince George’s County and they further state as follows:

1. On or about May 6, 2010, the Plaintiff, Mohammed A. Sall filed a Complaint (the “Complaint”) against the removing defendants and others in the Circuit Court of Maryland for Prince George’s County, Case No. CAE10-14689 (the “State Court Action”).

2. In the Complaint, the Plaintiff seeks damages from the Defendants and other relief for alleged violations of the federal Truth In Lending Act (“TILA”) 15 USC §1601 *et seq.*, Real Estate Settlement Procedures Act (“RESPA”) 12 USC §2601 *et seq.*, Equal Credit Opportunity Act (“ECOA”) 15 USC §1981, federal Consumer Credit Protection Act, 15 USC §1601 *et seq.*, Federal Trade Commission Act (“FTCA”) 15 USC §§ 41-58, and the Fair and Accurate Credit Transaction Act of 2003. See Plaintiff’s Complaint, Counts Four through Nine. Plaintiff also seeks a Declaratory Judgment (Counts One & Two), damages for constructive

fraud against defendant Freemont Investment & Loan (Count Three) and damages for Slander of Title against the Substitute Trustee Defendants (Count Ten).

3. This Court has federal question subject matter jurisdiction over this matter pursuant to 28 U.S.C. §1331 to the extent that the Plaintiff's claims arise under the Constitution, laws, or treaties of the United States. Specifically, as noted above, Plaintiff has alleged in Counts Four through Nine of his Complaint violations of a variety of federal statutes and he is seeking damages and other relief under the provisions of those federal statutes. Furthermore, the Court has supplemental jurisdiction over any state law claims asserted by the Plaintiff, pursuant to 28 U.S.C. §1367, because they are part of the same case or controversy, and relate to the claims over which this Court has original jurisdiction.

4. The removing defendants received copies of the Summons and Complaint by certified mail on and subsequent to July 15, 2010.¹ Pursuant to 28 U.S.C. §1446(b) and the provisions of Rule (6)(a), *Federal Rules of Civil Procedure*, this Notice of Removal has been filed within the time limit provided by applicable law.

5. Defendants, Substitute Trustees, Joseph V. Buonassissi, II, Richard A. Lash, Keith M. Yacko, Brian S. McNair, James J. Inabinett, Jr. and David A. Rosen, have given their consent to removal of this case. See consent to removal attached hereto as Exhibit One. Defendant, Richard E. Henning, Jr. is deceased.


¹ Plaintiff has not, to date, formally served the resident agent, president or secretary or treasurer of any of the removing defendants, as required by the applicable *Maryland Rules*. Instead, Plaintiff sent the summons and complaint, return receipt requested, addressed to Wells Fargo and Wells Fargo & Co. at the general corporate address for Wells Fargo & Company in San Francisco, California and care of a PO Box in Des Moines, Iowa. Similarly, the summons and complaint directed to Deutsche Bank National Trust Company was generically addressed to "Deutsche Bank International Trust Company" at its office located in Los Angeles, California.

6. Defendant, Freemont Investment & Loan, upon information and belief, is a defunct institution with assets sold to Capital Source Bank. See Institution History from the National Information Center, attached hereto as Exhibit Two.

7. A genuine and authentic copy of all available process, pleadings, and orders served upon the removing Defendants in the State Court Action are attached collectively as Exhibit Three. As of the time of filing this Notice of Removal, no party has filed a response or entered an appearance in the State Court Action.

8. Pursuant to 28 U.S.C. §1446(d), a copy of this Notice of Removal is being served upon all adverse parties and filed with the Clerk of the Court for the Circuit Court of Maryland for Prince George's County. A copy of the Notice being filed in the State Court Action is attached as Exhibit Four.

WHEREFORE, Defendants, Wells Fargo Bank, N.A. ("Wells Fargo") also doing business as "Wells Fargo Home Mortgage" and its division "America's Servicing Company" ("ASC"), Wells Fargo & Company and Deutsche Bank National Trust Company, as Trustee for Freemont Home Loan Trust 2006-3 hereby remove this civil action to the United States District Court for the District of Maryland.



Michael S. Barranco
TREANOR POPE & HUGHES, P.A.
MD U.S. District Court Bar No. 04036
29 W. Susquehanna Avenue, Suite 110
Towson, Maryland 21204
Tel: (410) 494-7777
Fax: (410) 494-1658
email: msbarranco@tph-law.com

Attorney for removing Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 16th day of August, 2010 a copy of the foregoing Notice of Removal and all attachments and exhibits thereto was sent by first class U.S. Mail, postage prepaid, to:

Aaron Miller, Esquire
The Pesante Firm, LLP
1328 H Street, NE
Washington, DC 20002

Attorney for Plaintiffs

A handwritten signature in black ink, appearing to read 'Michael S. Barranco', is written over a horizontal line.

Michael S. Barranco